**Determining whether your HOA has a Solar Restriction and How to Fix It**

1. Determine the name of your Home Owner Association or HOA (usually the same as your neighborhood name).

**COVENANTS[[1]](#footnote-1)** (*the rules all homeowners are to adhere to in the neighborhood*)

1. Find your HOA covenants by performing the following steps:
   * Perform an online search of your HOA (for example: “Thompson Park HOA” or “Wildcat Run HOA”). Most HOAs have a public website.
   * Once you find the website for your HOA, see if the covenants are publicly available. If so, download them.
   * If your covenants are not publicly available, request a copy from your HOA Board or the HOA management company (for example, Kirkpatrick) that services your HOA and to whom you pay your dues.
2. Once you obtain the covenants, find and document the language in them, if any, regarding solar. You may find terms such as *“solar panels”, “solar heat panels*”, etc.
3. Determine what type of restriction you have:

* Absolute Prohibition (no solar allowed)
* Architectural Review required (solar allowed subject to approval)
  + Most HOA Boards have an Architectural Review Committee (ARC) or Architectural Control Committee (ACC) that reviews changes to your house. You need to determine whether your HOA has an ARC/ACC.
  + This restriction includes “Out of view” (solar allowed subject to approval but usually approved as long as no one can see it)
* No restriction (solar is completely allowed or covenants are silent on solar)
* Other

**BYLAWS** *(the document that addresses how your HOA is run, such as elections, officers, meetings, etc.)*

1. After you find your covenants and determine your solar restriction, request a copy of the HOA bylaws from the HOA management company. The bylaws should spell out how your covenants can be amended. (If not in the bylaws, this information may also be found in the covenants.)
2. Determine the exact procedures for getting your covenants amended, such as:
   * Petition requirements
   * The percentage of homeowners who need to vote to approve the change
     + By Indiana state law, this percentage cannot exceed 75%.
   * Special Meeting
   * Quorum
   * Proxy
   * Other miscellaneous requirements
3. Determine when your HOA is having its next annual meeting. You may need to contact the HOA Board and/or HOA management company to determine the exact date.
4. Determine how far in advance the HOA Board is required to formally notify you of the meeting and the method of notification (usually by mail).
5. Determine how you can get on the agenda of the annual meeting. If this is not explicitly spelled out in the HOA bylaws, you should request to your HOA Board to be added to the agenda.

**ARTICLES OF INCORPORATION** *(the document that contains the name, location, and purpose of the HOA)*

1. HOA Articles of Incorporation are found on the Indiana Secretary of State’s website. Go to <https://bsd.sos.in.gov/publicbusinesssearch>. In the “Business Name” field, type in the name of your HOA and then click “Search” at the bottom. On the Results page, click on your HOA. Scroll to the bottom of the next page and click on “Filing History.” You should find your HOA’s Articles of Incorporation there.

**SUMMARY CHECKLIST**

* Obtain a copy of your covenants
* Obtain a copy of your bylaws
* Obtain a copy of your Articles of Incorporation
* Determine the names and titles of the members of your HOA Board
* Determine whether your HOA Board has an architectural review board (such as ARC or ACC) and if so, who are the members
* Determine whether your HOA has an HOA management company
* Document the covenant language on the solar restriction
* Document all bylaw or covenant language on amending the covenants (petition, approval threshold, special meeting, quorum, proxy, etc.)
* Determine the date, time, and place of your next HOA annual meeting
* Determine the formal notification requirements of the annual meeting
* Request to be on the annual meeting agenda

1. may also be referred to by other names such as “CCRs (Covenants, Conditions, & Restrictions)”, “Declaration of Restrictions”, “Rules”, etc. [↑](#footnote-ref-1)